

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) Case No. 14-5026-01-CR-SW-BP
)
DYLAN WADE GARCIA,)
)
Defendant.)

MOTION TO RECONSIDER PRETRIAL DETENTION

Comes now Defendant, Dylan Wade Garcia, and hereby moves that the Court reconsider its order of July 8, 2014, by which Mr. Garcia is currently detained in the custody of the United States Marshal. Additionally, Mr. Garcia requests that the Court set this motion for an evidentiary hearing. In support of this motion, Mr. Garcia states as follows:

1. A three-count Indictment was filed against Mr. Garcia on July 23, 2014. Because the case against Defendant began with the Government filing a criminal complaint alleging the same charge, the Court had previously appointed the Federal Public Defender to represent Defendant.
2. On July 2, 2014, the Government filed a motion seeking the detention of Mr. Garcia. An evidentiary hearing was held on this motion to detain on July 3, 2014. At this hearing, the Court relied on a pre-trial report prepared by the United State Probation Office. This report recommended detention, in part, because of the lack of any viable

home plan for Mr. Garcia. Specifically, the pretrial report stated that Mr. Garcia's mother and stepfather had stated that he could not live with them on pretrial release. On July 8, 2014, this Court issued a written order of detention.

3. Since July 8, 2014, the undersigned counsel has been contacted by Mr. Garcia's mother, Mary Cartwright. Ms. Cartwright states that at the time of the detention hearing, she was in the hospital and could not provide a place for Mr. Garcia to reside. Since that time, she has regained her health to the point that she is now agreeable to provide a residence for her son. She also agrees to personally hold Mr. Garcia responsible to any conditions of release imposed by the Court. Further, she states that a "family meeting" was conducted to discuss Mr. Garcia being released to Ms. Cartwright's home and that the family all agreed to provide similar assistance should the Court so order his release.

4. The proposed release would be to 343 Jamison Drive in Huntington, Tennessee. Ms. Cartwright can be reached at (731) 358-9570. At this residence, Mr. Garcia could be subject to third-party custodian accountability and electronic monitoring. This would greatly reduce the Court's concerns about Mr. Garcia being a flight risk and/or danger to the community. Further, release to this location might allow Mr. Garcia to obtain treatment and/or counseling.

5. Finally, Mr. Garcia asks that the Court grant an evidentiary hearing for the purpose of meeting Ms. Cartwright and other members of Mr. Garcia's family. This will provide the Court an opportunity to evaluate Ms. Cartwright and the proposed release plan.

WHEREFORE, Defendant, Dylan Wade Garcia, hereby moves that this Court reconsider its order of July 8, 2014, by which Mr. Garcia is currently detained in the

custody of the United States Marshal. Additionally, Mr. Garcia requests that the Court set this motion for an evidentiary hearing.

Respectfully submitted,

/s/ David R. Mercer

DAVID R. MERCER, #36572

First Assistant Federal Public Defender
901 St. Louis Street, suite 801
Springfield, Missouri 65806
(417) 873-9022
Attorney for Defendant

September 3, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2014, the foregoing document was electronically filed with the Clerk of the Court, and a copy was served on Ms. Ami Miller, Assistant United States Attorney, 901 St. Louis, Ste. 500, Springfield, Missouri 65806.

/s/ David R. Mercer

DAVID R. MERCER